

Message Text

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PAGE 01 KUWAIT 00958 180252Z
ACTION NEA-10

INFO OCT-01 ISO-00 EB-08 COME-00 AID-05 IGA-02 CIAE-00
INR-10 NSAE-00 OMB-01 TRSE-00 SS-15 NSC-05 STR-07
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FM AMEMBASSY KUWAIT
TO SECSTATE WASHDC PRIORITY 239

C O N F I D E N T I A L KUWAIT 0958

C O R R E C T E D C O P Y (TEXT)

STATE FOR NEA/ARP

E.O. 11652: N/A
TAGS: ETRD, MILI, BEXP
SUBJECT: ARAB BOYCOTT OF ISRAEL: ROCKWELL ENCOUNTERS PROBLEM
WITH MOD TENDER

REF: (A) STATE 040456, (B) KUWAIT 0948, (C) KUWAIT 0883
(D) 77 KUWAIT 5776, (E) 77 KUWAIT 4023

1. IN TELCON REFERRED TO REF A, QUESTION OF POSSIBLE
ALTERNATE LANGUAGE AROSE. ROCKWELL OFFICIAL ADMITTED HE WAS
NOT A LEGAL EXPERT, BUT SAID HE WAS UNDER IMPRESSION THAT
(A) NEW ANTI-BOYCOTT REGULATIONS PRECLUDED ROCKWELL FROM
SUGGESTING ALTERNATE LANGUAGE TO OFFENDING BOYCOTT PROVI-
SIONS, (B) AS AN EXAMPLE, SIMPLE STATEMENT THAT "THE
LAWS OF THE STATE OF KUWAIT SHALL APPLY TO THE CONSTRUCTION,
VALIDITY AND PERFORMANCE OF THIS AGREEMENT," WOULD NOT
BE ACCEPTABLE UNDER NEW EAA REGULATIONS. IF THIS IS
THE CASE, IT MAY BE DIFFICULT FOR US TO HAVE ANY
MEANINGFUL DISCUSSION WITH GOK ON BOYCOTT MATTERS, SINCE IT
IS UNLIKELY THAT GOK WOULD BE WILLING TO DISPENSE WITH
LANGUAGE AS INNOCUOUS AS THAT IN B ABOVE. (FYI LANGUAGE IN
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B IS VERBATIM FROM CONTRACT RECENTLY RENEGOTIATED BY VERY
LARGE US FIRM WITH GOK TO COMPLY WITH NEW ANTI-BOYCOTT
EAA AND TAX REGULATIONS. END FYI).

2. LANGUAGE CITED IN PARA 2 OF REF (A) IS GENERALLY
SIMILAR TO THAT OFTEN EMPLOYED BY VARIOUS KUWAITI MINISTRIES.
HOWEVER, MOD HAS HAD REPUTATION FOR CERTAIN FLEXIBILITY

REGARDING BOYCOTT REQUIREMENTS IN CASES WHERE IT DESIRES PARTICULAR GOODS OR SERVICES. THIS BEING THE CASE, WE SUGGEST THAT, IF TENDER DEADLINE IS PRESSING, ROCKWELL SEND A REPRESENTATIVE HERE BEFORE FEB. 26 TO DISCUSS MATTER DIRECTLY WITH MOD (REMEMBERING THAT FEB. 20 AND 25 ARE LOCAL HOLIDAYS AND FEB. 23-24 IS WEEKEND). WE WILL OF COURSE OFFER ALL APPROPRIATE SUPPORT.

3. ROCKWELL BOYCOTT PROBLEM IS THIRD REPORTED TO US FROM WASHINGTON IN PAST FEW DAYS. WE HAVE ALSO HAD NUMEROUS ADDITIONAL BOYCOTT PROBLEMS RAISED HERE LOCALLY. IF THIS CONTINUES, WE WILL FIND OURSELVES BEING OCCUPIED FULL TIME ON INDIVIDUAL BOYCOTT CASES, WHICH IS NOT PRACTICAL. AS STATED IN REF B, WE ARE TRYING TO WORK WITH GOK ACROSS THE BOARD TO AVOID BOYCOTT PROBLEMS, BUT AT BEST THIS WILL TAKE TIME. BEFORE WE PROCEED FURTHER ON DISCUSSING INDIVIDUAL CASES, IT IS TIME WE RECEIVED ANSWERS FROM THE DEPARTMENT TO NUMBER OF SPECIFIC QUESTIONS, SOME OF THEM LONGSTANDING (REF C AND PREVIOUS). PLEASE ADVISE ABOUT (A) AND (B) IN PARA 1 ABOVE.
MAESTRONE

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